



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
MIKE STRAIN DVM
COMMISSIONER



STRUCTURAL PEST CONTROL COMMISSION HEARING

April 9, 2008

9:00 a.m.

**Veterans Memorial Auditorium
5825 Florida Boulevard
Baton Rouge, LA 70806
Minutes**

**Agricultural &
Environmental
Sciences**

P.O. Box 3596
Baton Rouge,
LA 70821
(225) 925-9770
Fax: 925-3760

**Agro-Consumer
Services**

P.O. Box 3098
Baton Rouge,
LA 70821
(225) 922-1341
Fax: 923-4877

**Animal Health
Services**

P.O. Box 1951
Baton Rouge,
LA 70821
(225) 925-3962
Fax: 925-4103

Forestry

P.O. Box 1628
Baton Rouge,
LA 70821
(225) 925-4500
Fax: 922-1356

**Management
& Finance**

P.O. Box 3481
Baton Rouge,
LA 70821
(225) 922-1255
Fax: 925-6012

Marketing

P.O. Box 3334
Baton Rouge,
LA 70821
(225) 922-1277
Fax: 922-1289

**Soil & Water
Conservation**

P.O. Box 3554
Baton Rouge,
LA 70821
(225) 922-1269
Fax: 922-2577

CALL TO ORDER

The meeting was called to order at 9:05 am by Mr. Fred Bass.

ROLL CALL

The roll was called by Ms. Anderson.

Members present: Fred Bass designee for Commissioner Mike Strain, Todd Parker, Dan Foster, Dr. David Boethel, and Bob Kunst.

Others present: David Fields, LDAF, Larry LeJeune, LDAF, Bobby Simoneaux, LDAF, Brady Purpera, LDAF, Tyrone Dudley, LDAF, Mary Anderson, LDAF, Marvin Montgomery, LDAF Counsel and Michael Vallen, Assistant Attorney General.

AMENDMENTS TO THE AGENDA

Motion: A motion was made by Mr. Kunst to add 3 items to the agenda under New Business: Internet Sales, Call Centers and Warranty Work. This motion was seconded by Mr. Foster and passed unanimously.

Mr. Fields asked that Greater New Orleans Pest Control Association (GNOPC) course update be added to old business and that the Financial Statement, Office of Management and Finance be moved up on the agenda after Amendments to the Agenda.

Motion: A motion was made by Mr. Kunst to add the GNOPCA to Old Business and move the Financial Statement after Amendments to the Agenda. This motion was seconded by Dr. Boethel and passed unanimously.

FINANCIAL STATEMENT

Mr. Craig Gannuch and Ms. Debbie Langlois presented the Financial Statement and answered questions from the commission.

Motion: A motion was made by Mr. Foster to accept the Financial Statement. This motion was seconded by Mr. Kunst and passed unanimously.

Mr. Kunst asked Mr. Gannuch to look at the fee collection versus the percentage.

APPROVAL OF MINUTES

Motion: A motion was made by Mr. Foster to approve the proceedings from the January 30, 2008 meeting. This motion was seconded by Dr. Boethel. This motion passed unanimously.

TRAVEL EXPENSE REPORTS

Mr. Bass asked that the Commission members turn in their expense reports to Ms. Anderson.

CITIZEN INPUT

Mr. Bass called for Citizen Input. There was not any one wanting to address the commission.

OLD BUSINESS

Licensee Affidavits – Mr. Montgomery gave an update on the Licensee Affidavits. The staff is working on wording to implement procedure when the Licensee refuses or is unable to be located to sign the affidavit.

Motion: Mr. Kunst made a motion to refer LPMA review committee to work out the final details. This motion was seconded by Dr. Boethel and passed unanimously.

BOR-RAM Label Review - Tim Zech – Mr. Zech gave an update and provided the information the commission requested relative to his product. Studies and support for the use of BOR-RAM.

GNOPC – Mr. Leroy Chevolleau and Mr. Ken Brown presented a list of speakers and topics to be used with their approved Master Technician Course.

Motion: A motion was made by Mr. Foster to approve the list of speakers and topics for GNOPC Master Technician Course. This motion was seconded by Mr. Kunst and passed unanimously.

NEW BUSINESS

Louisiana Pest Management Association - Jeff Porter - Mr. Porter complimented the department for the new LDAF website. Mr. Porter recognized members of the Leadership Development Program. Mr. Porter announced that the LPMA Legislative Day will be May 14, 2008 from 5:00 – 8:00 pm at the Pentagon Barracks.

Massey Services – Adam W. Jones

Mr. Jones addressed the commission. Massey Services wants to start to market warranty services and renewable protection in Louisiana.

Mr. Kunst asked staff to review this request.

Internet Sales – Mr. Fields explained that if the product was not a Federal or State Restricted Use Product, then it was legal to sell, provided it was registered with LDAF.

Call Centers – Mr. Kunst asked the staff to look into telephone call centers for possible policy review.

Warranty Work – Mr. Kunst asked the staff to look into this issue.

LABEL REQUEST FOR APPROVAL

BASF – John McCauley – Termidor 80 G

Motion: A motion was made by Mr. Foster to approve the Termidor 80G label. This motion was seconded by Dr. Boethel and passed unanimously.

BASF – John McCauley – Termidor SC

Motion: A motion was made by Mr. Foster to approve the Termidor SC label. This motion was seconded by Mr. Kunst. This motion passed unanimously.

ETIGRA – Tra Huddleston – Imida E-Pro 4

Motion: A motion was made by Mr. Kunst to not approve the Imida E-Pro4 label.

There was not a second to this motion.

Motion: A motion was made by Mr. Foster to approve the Imida E-Pro 4 label with size of trench modifications to the label. This motion was seconded by Dr. Boethel. Mr. Kunst made an amendment to the motion that the product Imida E-Pro 4 not be sold until modifications are made to the label. Mr. Foster seconded the amendment and the motion passed unanimously.

SOSTRAM – BOR-RAM – Tim Zeck

Motion: A motion was made by Mr. Foster to approve this label with condition. This motion was seconded by

Mr. Kunst and passed unanimously.

UNIVAR – Mark Pelittieri – Masterline I Maxx Pro 2F

Motion: A motion was made by Mr. Foster and seconded by Mr. Parker to approve the Masterline I Maxx Pro 2F label with the condition that the product not be sold until modifications are made to the label. This motion passed unanimously.

24c Labels

Control Solutions – Mike Wiggins –Bifen IT, Bifen XTS and Dominion

Motion: A motion was made by Mr. Kunst and seconded by Mr. Foster to approve Bifen IT, Bifen XTS and Dominion 24c labels. This motion passed unanimously.

FMC – Ryan Weber – Talstar and Baseline

Motion: A motion was made by Bob Kunst and seconded by Mr. Foster to approve the Talstar and Baseline 24c labels. This motion passed unanimously.

Etigra – Tra Huddleston – Imida E-Pro

Motion: A motion was made by Mr. Foster and seconded by Mr. Kunst to approve the Imida E-Pro 24c label. This motion passed unanimously.

Mr. Bass called for a break.

Mr. Bass called the meeting back to order at 10:30 and a quorum was present.

ADJUDICATORY HEARING

Mr. Bass turned the meeting over to Mr. Michael Vallen, Assistant Attorney General.

Celestine, Blaine Case # 1166 – Mr. Celestine was sworn in by Mr. Huddleston. Mr. Montgomery presented the charge letter as evidence. Mr. Celestine was charged with five violations of LRS 3:3371 A7 and five violations of LRS 3:3371 A13.

Motion: A motion was made by Mr. Foster to accept the Charge letter as Finding of Fact and Conclusion of Law. This motion was seconded by Mr. Kunst and passed unanimously.

Mr. Fields said that the staff recommendation for penalty is \$1250 for the five violations of LRS 3:3371(A)(7) and \$5000 for the five violations of LRS 3:3371 and ordered an audit of Respondent's records to determine any additional delinquent payment of fees. The Commission suspended \$4,250.00 of the penalty and ordered the remaining \$2,000.00 to be paid by Respondent within thirty days after Respondent received the written findings of fact and conclusions of law. The suspended portion of the penalty is subject to the requirements that Respondent pays all fees shown by the audit to be due and owing within thirty days after Respondent receives written notice of the amount of such fees and to the requirement that Respondent not be found to have committed a violation of the Structural Pest Control Law or regulations for a period of three years from April 9, 2008. If Respondent complies with these conditions then the suspended portion of the fine will automatically be extinguished. If Respondent fails to abide by these conditions or to pay the unsuspended portion of the penalty by the due date then the entire suspended portion of the penalty becomes immediately due and payable. In such event the agency is authorized to take such action as is necessary or proper to collect the penalty.

Motion: A motion was made by Dr. Boethel and seconded by Mr. Kunst to accept the staff recommendation for penalty. This motion passed unanimously.

Armstrong, Hewitt Case No. 1174 – Mr. Armstrong was sworn in by Mr. Vallen. Mr. Montgomery presented the charge letter. Mr. Armstrong was charged with three violations of LRS 3:3371(A)(7) and three violations of LRS 3:3371 A13.

Motion: A motion was made by Mr. Kunst to accept the Charge Letter as Finding of Fact and Conclusion of Law. This motion was seconded by Dr. Boethel and passed unanimously.

Mr. Fields said that the staff recommendation for penalty is \$3750 for the three violations of LRS 3:33371(A)(7) and three violations of LRS 3:3371 A13 and ordered an audit of Respondent's records to determine any additional delinquent payment of fees. The Commission suspended \$2,000.00 of the penalty and ordered the remaining \$1,750.00 to be paid by Respondent in twelve monthly installments beginning the day Respondent received the written findings of fact and conclusions of law. The suspended portion of the penalty is subject to the requirements that Respondent pays all fees shown by the audit to be due and owing within thirty days after Respondent receives written notice of the amount of such fees and to the requirement that Respondent not be found to have committed a violation of the Structural Pest Control Law or regulations for a period of three years from April 9, 2008. If Respondent complies with these conditions then the suspended portion of the fine will automatically be extinguished. If Respondent fails to abide by these conditions or to pay any installment of the unsuspended portion of the penalty by the due date then the entire suspended portion of the penalty becomes immediately due and payable. In such event the agency is authorized to take such action as is necessary or proper to collect the penalty.

Motion: A motion was made by Mr. Foster and seconded by Dr. Boethel to approve the staff recommendations for penalty. This motion passed unanimously.

LICENSEE APPLICATIONS

STRUCTURAL PEST CONTROL LICENSEE APPLICANTS

APRIL 9, 2008

Mauro Aguilar	GPC	Approved
Steven P. Bannor Sr.	CVC	Disapproved
Donovan Calfee III	CVC	Disapproved
Kevin Carpenter	GPC, CVC, Com. Fum Struc. Fum.	Approved: GPC, CVC, Comm. Fum. Disapproved Struc. Fum.
Virginia Champagne	GPC	Approved
Julien Foy Jr.	TC	Approved
Clay J. Hebert III	TC	Approved
Joseph Hookfin sr.	GPC, CVC	Approved
Jarred LaJaunie	TC	Approved
Christopher Leone	GPC, CVC, TC	Disapproved
Jason McAlister	GPC, TC, Struc. Fum.	Approved
Philip Moran	TC	Disapproved
Frank Lee Oby	GPC, CVC, TC	Approved GPC, CVC Disapproved TC
Floyd Simpson	GPC, CVC, TC	Approved
Joshua Spears	GPC, CVC	Approved
Scott Strange	TC	Approved
Todd Whitaker	GPC, CVC, TC	Disapproved

OTHER BUSINESS

Mr. Montgomery commented on the commissions question on approval of contracts submitted by PCO increasing the amount of warranty. Mr. Montgomery finds no reason why the commission cannot delegate to the staff to approve the standard contracts with changes. Mr. Montgomery recommends that the staff can approve a written contract as long as the contract will not reduce provisions of the contract. In this event, the contract should come before the commission.

Motion: Mr. Foster made a motion to delegate authority to the staff for these types of contract change and that staff should report all changes made to contracts since the last commission meeting. This motion was seconded by Dr. Boethel and passed unanimously.

Mr. Fields said that the staff is in the process of writing rules and regulations for cheating on tests and State Entomologists.

Motion: A motion was made by Mr. Kunst to have the recommendations sent to the Review Committee. This

motion was seconded by Mr. Foster and passed unanimously.

Structural Pest Control Commission Committees

Contract Review Committee

Bob Kunst – Chairman

Mitch Bourgeois

Jarrold Horton

David Fields, LDAF

Vincent Palumbo

Joe Arceneaux

Jeff Porter

Brady Purpera, LDAF

Motion: A motion was made by Mr. Kunst to approve the appointments to the Contract Review Committee. This motion was seconded by Mr. Foster and passed unanimously.

Bait Committee

Dan Foster, Chairman

Steve Odom

Edward Martin

Robert W. Soileau

Floyd Simpson

Dr. David Boethel

Jeff Hargrave

Jeff Porter

Lee Stout

Motion: A motion was made by Mr. Kunst to approve the appointments to the Bait committee. This motion was seconded by Mr. Foster and passed unanimously.

Research Committee

Commissioner Mike Strain

Dr. David Boethel

Gary Wehlen

Lois Caffey

Chancellor Bill Richardson

Jeff Porter

Steve Cheek

Jay Burchfield

Motion: A motion was made by Mr. Foster to approve the appointments to the Research committee. This motion was seconded by MR. Parker and passed unanimously.

STATUS REPORT

Mr. Fields presented the status report.

FUTURE MEETINGS

The staff recommendation is July 30, 2008.

ADJOURNMENT

Motion: Mr. Parker made a motion to adjourn at 11:25. This motion was seconded by Dr. Boethel and passed unanimously.